



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 01.12.2004
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Draft

DECISION OF THE EEA JOINT COMMITTEE

**amending Protocol 31 to the Agreement, on cooperation in specific fields outside
the four freedoms**

- Draft common position of the Community -
(presented by the Commission)

EXPLANATORY MEMORANDUM

1. Protocol 31 to the EEA Agreement contains specific provisions on the cooperation between the Community and the EEA EFTA States outside the four freedoms.
2. The attached draft Decision of the EEA Joint Committee aims to modify Protocol 31 to extend cooperation by including the regulation establishing the European Centre for disease prevention and control. The draft Joint Committee Decision provides the framework for cooperation and sets out the modalities for participation of the EEA EFTA States in this Community body, incorporating the following act into the EEA Agreement:
 - **32004 R 0851** Regulation (EC) No 851/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European Centre for disease prevention and control (OJ L 142, 30. 4.2004, p. 1)
3. Article 1.3(b) of Council Regulation (EC) No 2894/94 concerning the arrangements for implementing the EEA Agreement envisages that the Council establish the Community position for such Decisions on a proposal from the Commission.
4. The draft decision of the EEA Joint Committee is submitted for the approval of the Council, after which the Commission will put forward the position of the Community in the EEA Joint Committee at the earliest possible occasion.

Draft

DECISION OF THE EEA JOINT COMMITTEE

amending Protocol 31 to the Agreement, on cooperation in specific fields outside the four freedoms

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as ‘the Agreement’, and in particular Articles 86 and 98 thereof,

Whereas:

- (1) Protocol 31 to the Agreement was amended by Decision of the EEA Joint Committee No.../... of ...¹.
- (2) It is appropriate to extend the cooperation of the Contracting Parties to the Agreement to include Regulation (EC) No 851/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European Centre for disease prevention and control².
- (3) Protocol 31 to the Agreement should therefore be amended in order to allow for this extended cooperation to take place with effect from [1 January 2005],

HAS DECIDED AS FOLLOWS:

Article 1

The following shall be inserted after paragraph 3 of Article 16 of Protocol 31 to the Agreement:

- ‘4. (a) The EFTA States shall participate fully in the European Centre for disease prevention and control, hereinafter referred to as the “Centre”, as set up by the following Community act:
- **32004 R 0851**: Regulation (EC) No 851/2004 of the European Parliament and of the Council of 21 April 2004 establishing a European Centre for disease prevention and control (OJ L 142, 30.4.2004, p. 1).
- (b) The EFTA States shall contribute financially to the activities referred under (a) in accordance with Article 82(1)(a) of and Protocol 32 to the Agreement.

¹ OJ C [...], [...], p. [...].

² OJ L 142, 30.4.2004, p. 1.

- (c) The EFTA States shall participate fully in the Management Board and shall within it have the same rights and obligations as EU Member States, except for the right to vote.
- (d) The EFTA States shall participate fully in the Advisory Forum and shall within it have the same rights and obligations as EU Member States.
- (e) EFTA States shall apply to the Agency and to its staff the Protocol of Privileges and Immunities of the European Communities and applicable rules adopted pursuant to the Protocol.
- (f) By way of derogation from Article 12 (2) (a) of the Conditions of employment of other servants of the European Communities, nationals of the EFTA States enjoying their full rights as citizens may be engaged under contract by the Director of the Agency.
- (g) By virtue of Article 79(3) of the Agreement Part VII (Institutional Provisions) of the Agreement shall apply to this paragraph.
- (h) Regulation (EC) No 1049/2001 of the European Parliament and the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents shall, for the application of this Regulation, apply to any documents of the Centre regarding the EFTA States as well.'

Article 2

This Decision shall enter into force on the day following the last notification to the EEA Joint Committee under Article 103(1) of the Agreement* .

It shall apply from [1 January 2005].

Article 3

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels,

*For the EEA Joint Committee
The President*

*The Secretaries
to the EEA Joint Committee*

* [No constitutional requirements indicated.] [Constitutional requirements indicated.]